



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

HENRY, et al.

Serial No.: 10/072,203

Filed: February 6, 2002

Confirmation No.: 3517

Atty. File No.: 42074-00391

For: "Multi-Parameter Monitoring System"

) Group Art Unit: 2856

) Examiner: Charles D. Garber

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON FEBRUARY 10, 2005.

MARSH FISCHMANN & BREVTOGLE, LLP

BY:

*Bobbye S. Simon*  
BOBBYE SIMON

**DECLARATION UNDER 37 CFR 1.130**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The present application (U.S. Patent Application No. 10/072,203) and the patent (U.S. Patent No. 6,305,944) relied upon for rejection under 35 U.S.C. 103(a) (as prior art under 35 U.S.C. 102(e)) in the pending November 10, 2004 Office Action, are currently owned by the same party. That party is In-Situ, Inc., a Wyoming corporation having a place of business at 221 East Lincoln Avenue, Fort Collins, CO 80524. In-Situ owns 100% of each of the pending application and U.S. Patent No. 6,305,944.

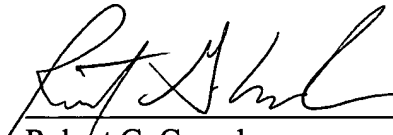
A copy of the assignments of the present application to In-Situ, Inc. by 5 of the 6 inventors can be found recorded with the Assignment Division at the U.S. Patent and Trademark

Office at Reel 012586, Frame 0121 and by the 6<sup>th</sup> inventor at Reel 012969, Frame 0584. A copy of the assignment of U.S. Patent No. 6,305,944 to In-Situ, Inc. can be found recorded with the Assignment Division at the U.S. Patent and Trademark Office at Reel 011208, Frame 0673.

Furthermore, Kent D. Henry, of 2107 East Sheridan Street, Laramie, WY 82070, the first-named inventor on the present application is the same person as Kent D. Henry, of 2107 East Sheridan Street, Laramie, WY 82070, the first-named inventor on U.S. Patent No. 6,305,944, and thus is the prior inventor under 35 U.S.C. 104.

Accordingly, under 37 CFR 1.130, the applicants hereby request that U.S. Patent No. 6,305,944 be removed as prior art from this application.

The undersigned is an attorney or agent of record.

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Date: February 10, 2005